IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9536 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GHASURA SALIMKHAN D

Versus

STATE OF GUJARAT

Appearance:

MR AV PRAJAPATI for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2, 3

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 27/03/2000

ORAL JUDGEMENT

#. Mr.A.V.Prajapati, for the petitioner, Mr.Digant Joshi, learned A.G.P. for the Secretary Revenue Department.

#. Rule. Mr.Digant Joshi, learned A.G.P. for the Secretary Revenue Department waives service of rule. With the consent of the parties today the matter is taken up for final hearing.

#. It is the case of the petitioner that the petitioner is not appointed on temporary post, even though the petitioner stands at serial no.1 as per registration no. of Employment Exchange and at serial no.5 in the list of roster, the list prepared by the respondent. Mr.Prajapati, submits that he is relying upon the letter dtd.4.11.1996 i.e. Annexure-B Page 18, wherein the Section Officer, has written that as and when the posts are to be filled in even on temporary basis the orders of the finance department regarding 10% cut and also regarding reservation should be complied with. Mr.Prajapati, is fair enough to rest cotended with his prayer for consideration of petitioner as and when respondent authority are going to fill up the posts, on the basis of registration of Employment Exchange. Mr.Joshi, learned A.G.P. cannot submit to the effect that the relief prayed for of the petitioner are unjust and unreasonable. Mr.Joshi, also cannot submit that the letter which is produced at Annexure-B dtd 4.11.1995 is not to be complied. In light of this, this petition is allowed the respondent is directed to consider the case of the petitioner for appointment even on temporary basis as and when such appointment is to be made in accordance with the practice followed till date. Mr.Digant Joshi has vehemently submitted, that petitioner cannot be granted any relief but the court does not find any substance. Rule is made absolute to the aforesaid extent with no order as to costs.

kks